

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:05CR3039
v.)	
)	
THOMAS E. MILLER,)	
)	MEMORANDUM AND ORDER
Defendant.)	
)	

A telephone conference call was held this date with counsel in this matter pursuant to Rule 17.1 of the Federal Rules of Criminal Procedure. Counsel discussed the complexity of the case, particularly the voluminous records involved, and the impending trial date. Counsel for defendant requested additional time in which to prepare for trial, and counsel for the government did not object. The case is complex and has previously been exempted from the time limitations of the Speedy Trial Act. However, even if it had not been exempted, it is clear that the case's complexity warrants additional time for preparing for trial, and the defendant's need for his defense counsel to be adequately prepared for trial outweighs his and the government's interests in a speedy trial. The requested additional time is reasonable, taking into consideration the nature and complexity of the case and due diligence by counsel.

IT THEREFORE HEREBY IS ORDERED:

1. Trial of this matter is continued to 9:00 a.m., June 18, 2007 before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
2. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the

defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between April 12, 2007 and June 18, 2007 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 12th day of April, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge